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U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

86 Chambers Street, 3rd Floor
New York, New York 10007

August 20, 2008

BY HAND

The Honorable Lawrence M. McKenna
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1640
New York, New York 10007

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IN CHAMBERS

AUG 20 2008

LAWRENCE M. MCKENNA
USDJ SDNY

Re: *Stein v. United States of America*, 07 Civ. 2684 (LMM)

Dear Judge McKenna:

I write respectfully to request that the Court set a briefing schedule for a motion for summary judgment to be filed by the Government. Previously, the Court granted the parties request for an extension of time, until August 30, 2008, to file a pre-trial order so that the parties could explore settlement options. Settlement efforts have failed. In addition, after further review of the case, the Government believes that it has a substantial basis for a motion for summary judgment in this case. Accordingly, the Government requests that the Court suspend its previous order setting a due date for the pre-trial order and allow the Government to file a motion for summary judgment. The Government anticipates that it could file its summary judgment motion by October 15, 2008, and requests that the Court set that date as a deadline for the Government to file a summary judgment motion.

Motion for summary judgment may be filed by 10/15/08. Time to submit proposed joint pre-trial order extended to 30 days after decision on motion. So on receipt.

Respectfully,

MICHAEL J. GARCIA
United States Attorney
Attorney for Defendant United States of America

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